COMMONWEALTH OF MASSACHUSETTS
HOUSING APPEALS COMMITTEE

MEADOWBROOK ESTATES VENTURES, LLC

v.

AMESBURY BOARD OF APPEALS

No. 02-21

DECISION

December 12, 2006

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COMMONWEALTH OF MASSACHUSETTS
HOUSING APPEALS COMMITTEE

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DECISION

I. PROCEDURAL HISTORY

In June 2001, Meadowbrook Estates Ventures, LLC submitted an application to the Amesbury Zoning Board of Appeals for a Comprehensive Permit pursuant to G.L. c. 40B, §§ 20-23 to build 268 townhouse-style condominium units of mixed-income affordable housing on a 155-acre site off Kimball Road in Amesbury. Exh. 1. The housing is to be financed under the New England Fund of the Federal Home Loan Bank of Boston. Exh. 1, 2, 3, 96, 102.

After eight public hearing sessions stretching over a year and considerable wrangling over procedures and fees, on August 12, 2002 the developer filed an appeal with this Committee alleging that "lengthy delays [were] tantamount to a constructive grant of the Comprehensive Permit." Initial Pleading, ¶ 44 (filed Aug. 12, 2002). At the Committee's Conference of Counsel on August 28, 2002, the parties agreed that the matter should be remanded to the Board for further consideration and decision. After additional local proceedings, the Board denied the permit, filing its decision with the Amesbury Town Clerk on January 21, 2003. Exh. 14. On February 5, 2003, the developer renewed its appeal, challenging the Board's decision.

On May 8, 2003, the Committee conducted a site visit and began a *de novo* hearing lasting twelve days, hearing from eighteen witnesses, primarily expert witnesses.[1] After the last hearing session in February 2005, at the suggestion of the presiding officer, the parties entered mediation, which lasted over a year. Negotiations were not successful, however, and on July 31, 2006, counsel submitted post-hearing briefs, formally closing the hearing.[2] See 760 CMR 30.09(5)(h).

II. FACTUAL OVERVIEW

The developer proposes to construct 268 condominium units in 67 prefabricated, four-unit buildings. It also proposes an on-site wastewater treatment plant. The site is rural, and though138 acres of its 155-acres are uplands, it is not far from Lake Attitash and the northeastern edge of the development abuts a large body of water known as Meadow Brook. Tr. II, 20; IV, 54; Exh. 15-C. These have been classified as outstanding resources, and thus the site is in an environmentally sensitive location. Exh. 42, p.3; Tr. III, 34, 75. Access to the site will be provided by a long roadway that enters from Kimball Road at the northern

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1. The presiding officer issued a joint Pre-Hearing Order, agreed to by the parties. The primary purpose of the order was to clarify the issues in dispute and organize the presentation of evidence. The parties also stipulated, however, that Amesbury has not satisfied any of the statutory minima defined in G.L. c. 40B, § 20, thus foreclosing the defense that its decision is consistent with local needs as a matter of law pursuant to that section. Pre-Hearing Order, § I-7 (May 8, 2003). In objections filed November 28, 2006, the Board, in a single sentence, alludes to the recent decision in *Zoning Board of Appeals of Canton v. Housing Appeals Committee*, NOCV 2005-01868 (Norfolk Super. Ct. Nov. 10, 2006). It implies that the *Canton* decision should control in this case, but alleges no facts in support of such an argument. Further, we respectfully disagree with the Court's reasoning in *Canton*. In that case, the Court considered the rule established by the Committee in *Caseletto Estates, LLC v. Georgetown*, No.01-12, slip op. at 21 (Mass. Housing Appeals Committee May 19, 2003) and codified at 760 CMR 31.04(1)(a). It reversed the Committee's decision, holding that "a town's denial of a particular permit automatically becomes consistent with local needs when the town achieves 10% affordable housing during pendency of the developer's appeal and before [the] HAC renders its decision." *Canton, supra*, slip op. at 14. It did not explicitly declare § 31.04(1)(a) invalid. The Committee has asked the Court to reconsider its decision, and if it does not do so, appeal by the Committee or the developer is likely. In addition, the issue raised in *Canton* has been raised in several other cases currently pending before the Committee or on appeal in the courts. Because of the significance of this question, appeal in one or more of those matters is likely as well. To minimize uncertainty and confusion, the Committee intends to follow the *Georgetown* rule, as codified in § 3.04(1)(a), until the matter has been addressed definitively by an appellate court.

2. The Board waived oral argument before the presiding officer at the close of testimony. Tr. XII, 157. The Committee denies the Board's request, filed November 28, 2006, to present further oral argument.

corner of the parcel. Exh. 15-C. The northwestern border of the site is the New Hampshire state line. Exh. 15-C. The southwestern border is the town line of Merrimac, Massachusetts, where the development abuts a 600-acre farm. Tr. IX, 122, 133; Exh. 15-C. To the southeast of the site are existing houses in a lakefront neighborhood known as "the Birches;" typically they are cottages on small lots and were built more than 50 years ago, in some cases having been rebuilt in the past 20 years. Exh. 15-C; Tr, XII, 151-152. Emergency access is proposed through this area at the end of the site opposite the entrance. Exh. 15-C. The land is currently zoned for single-family houses on roughly two-acre lots. Tr. 2, 21. It is undeveloped, though a limited part of it has been cleared for a small airstrip, gravel mining operations have been conducted in another area, and preliminary work was done on the roadway in connection with a previously proposed subdivision.

III. JURISDICTION

To maintain its appeal, the developer must satisfy the three jurisdictional requirements contained in 760 CMR 31.01(1). The Board does not question compliance with the requirement in § 31.01(1)(a) that developer be a limited dividend organization. Board's Brief, pp. 23-27. And in fact, it is clear from the record that the developer has made the required commitment to a limitation on its profit, which will be effectuated by execution of a regulatory agreement before construction begins. Exh. 1, ¶ 2.0; Exh. 3, p. 4; Exh. 10.

The developer is also required to control the site. 760 CMR 31.01(1)(c). Though the Board raised this issue in the Pre-Hearing Order, it failed to brief it.[3] Pre-Hearing Order, § II-B(2); Board's Brief, pp. 23-27. It is therefore waived. See *An-Co, Inc. v. Haverhill*, No. 90-11, slip op. at 19 (Mass. Housing Appeals Committee Jun. 28, 1994), citing *Lolos v. Berlin*, 338 Mass. 10, 13-14 (1958). Further, there is ample evidence of site control. Exh. 68, 72, 73, 84; Tr. V, 75-76; XI, 48-50.

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3. As will be seen below, the Board raises a substantial issue regarding access to the site, but this is distinct from site control. *Princeton Development, Inc. v. Bedford*, No. 01-19, slip op. at 3 (Mass. Housing Appeals Committee Sep. 20, 2005)("the developer is only required to 'control the site,' not to have resolved all questions of access to the site").

The Board does, however, argue that the developer has failed to demonstrate that its proposal is fundable by a subsidizing agency as required by § 31.01(1)(2). There are four bases for this argument, but none is persuasive.

First, the Board argues that the NEF does not constitute a valid source of subsidy. It is well settled under the Committee's precedents, however, that the NEF is an eligible program. *Transformations, Inc. v. Townsend*, No. 02-14 (Mass. Housing Appeals Committee Jan. 26, 2004); *Stuborn Ltd. Partnership v. Barnstable*, No. 98-01 (Mass. Housing Appeals Committee, Decision on Jurisdiction Mar. 5, 1999). The validity of the program has been upheld in *Town of Middleborough v. Housing Appeals Committee*, 66 Mass. App. Ct. 39 (2006), *petition for further review granted*, No. SJC-09808 (Aug. 16, 2006).

Second, the Board argues that although the developer introduced a project eligibility determination issued June 1, 2001, that determination expired in October 2005. Board's Brief, p. 26; see Exh. 3. The only evidence that the Board offers in support of this argument is an October 2004 letter from the Federal Home Loan Bank of Boston that indicates that "unless a written request for an extension is submitted prior to expiration, the application will be withdrawn on October 31, 2005." Exh. 96. In this hearing, the presentation of evidence concluded on February 10, 2005, at which time this deadline had not expired. There has been no opportunity for the developer to present evidence as to whether an extension was requested, nor is there any indication as to how the bank may have responded. Particularly in light of the provision in § 31.01(5), which ensures that a developer is given the opportunity to remedy a defect such as the one alleged, we find that fundability was established by the project eligibility determination, and "there is not sufficient evidence to determine that the project is no longer eligible..." 760 CMR 31.01(2)(f).

Third, the Board argues in its brief, without any supporting citations, that jurisdiction is lacking because "as stipulated by [the principal of the developer] and noted by the presiding officer, the project requires oversight and approval from a project administrator...." Board's Brief, p. 26. Presumably, this refers to the oversight requirements found in § 31.01(2)(g) for development proposals for which funding is provided through a non-governmental entity such as the NEF. By regulation, however, these requirements apply only to applications which receive determinations of project eligibility dated after July 22, 2002, well after two project

eligibility determinations were issued in this case by two different banks.[4] 760 CMR 31.10; see Exh. 2, 102, 3, 96.

Finally, the Board argues in its brief (again without citations) that final subsidy approval cannot be obtained because the developer has entered into a covenant with the owner of an abutting farm that the development site shall not be used or occupied by any person having "unreasonably [sic] sensitivity to chemicals approved... for uses as fertilizers and pesticides...." Board's Brief, p. 26-27; see Exh. 18-A, § 3(c)(iii). The Board notes that affordable owners "are guaranteed equal access to housing opportunities under the Federal Fair Housing Act, and G.L. c. 151B." Initially, we note that while as a very general matter, fundability was raised in the Pre-Hearing Order, the specific issue of the covenant was not raised there. Pre-Hearing Order, § II-B(1). Thus, this issue is not properly before us. In any case, however, the Housing Appeals Committee is not the proper forum to address this sort of fair housing issue. See *Bay Watch Realty Tr. v. Marion*, No. 02-28, slip op. at 4 (Mass. Housing Appeals Committee Dec. 5, 2005)("adjudication of complex title disputes or similar matters between private parties are best left to the expertise of the courts"). We assume that if the covenant is in fact in violation of the law, it will be declared void if challenged in a proper forum.

We conclude that the developer has established jurisdiction under 760 CMR 31.01. Exh. 2, 102, 3, 96.

IV. MOTION FOR AN ACCOUNTING

On May 2, 2003, the developer filed a Motion for an Accounting, which contained two requests: first, that the Board "provide an accounting of all sums paid by the Appellant/Applicant and the method of application of all such sums," and second, that "the Housing Appeals Committee order the Board to remit... all sums not reasonably expended by the Board." The developer paid $25,000.00 to the Board to be used to pay for review of

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4. Though as a matter of law, the new regulations are not requirements that can be applied retroactively to defeat jurisdiction in this case, the additional protections for the town that they provide are very important. Therefore, a part of our obligation to provide administrative oversight for the Comprehensive Permit Law, we will administratively apply the same protections by condition. See § VII-5(d), below; also see Tr. VIII, 22.

plans by expert, peer consultants. Only a partial accounting was received by the developer. See Tr. I, 11, II, 8. The motion is granted with regard to the first request. Also see § VII-4, below; Tr. II, 8-10 . If the parties are unable to come to terms with regard to any unexpended funds, the presiding officer may consider the second request upon renewal of the motion by the developer.

V. THE DEVELOPER'S QUALIFICATIONS

The Board alleges that the developer lacks the qualifications to complete the project.[5] In its brief, however, it cites no authority for the proposition that either this Committee or the Board is entitled to pass judgment on the developer's expertise or character. Board's Brief, p. 32.

As a general rule under the Comprehensive Permit Law, it is well settled that we will not review a developer's qualifications. In one of our earliest decisions, we declined to pursue the board's allegations that the developer lacked the financial ability and "reputation... in the community" to proceed with the development, but rather left those concerns in the hands of the subsidizing agency. *T/D/B Realty Tr. v. Northbridge*, slip op. at

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5. In the Pre-Hearing Order, the Board raised a number of other, miscellaneous issues. That is:

In Pre-Hearing Order, § II-B(3), the Board claims that "legal proceedings regarding rescission of subdivision approval for the same site warrant dismissal of this action." It briefly describes the rescission in the portion of its brief entitled Factual Background and Summary of Evidence, but it appears to use those facts to buttress its arguments with regard to the developer's qualifications. See Board's Brief, pp. 6-7 (¶ 14). In any case, nowhere in the brief does the Board present a legal argument with regard to the effect of rescission, and therefore this issue has been waived. *An-Co, Inc. v. Haverhill, supra.*

Pre-Hearing Order, § II-B(5) concerns requests for information, and the Board alleges in passing in the introduction to its brief that the developer "utterly failed to reasonably comply with the Board's reasonable requests for information." Board's Brief, p. 2. Not only has this matter been waived since it was not briefed, but in addition, it should have been raised by motion. 760 CMR 31.02(2).

Pre-Hearing Order, § II-B(6) raises the possibility that "an alternative project that would not adversely affect local concerns would be feasible and economic." No argument in this regard has been briefed, and if this were in fact proven, it would have little or no probative value. See *Hastings Village, Inc. v. Wellesley*, No. 95-05, slip op. at 17 (Mass. Housing Appeals Committee Jan. 8, 1998).

Pre-Hearing Order, § II-B(9) raises adequacy of municipal services, particularly school services, as a possible limitation on this project. It is highly doubtful that this issue has any relevance. See *Hilltop Preserve Ltd. Partnership v. Walpole*, No. 00-11, slip op. at 11-12 (Mass. Housing Appeals Committee Apr. 10, 2002). In any case, however, it was not briefed or otherwise developed, and has therefore been waived. *An-Co, Inc. v. Haverhill, supra.*

12-13 (Mass. Housing Appeals Committee Aug. 5, 1974). Our regulations are even more explicit, and provide that generally we are not to hear evidence with regard to the developer's capabilities. 760 CMR 31.07(4). This issue has most recently been addressed by the Land Court in *Henshaw v. Board of Appeals of the Town of Tisbury*, Land Court No. 304282, 2006 WL 2514177 (Aug. 31, 2006). The Court reiterated the comments we made in *CMA, Inc. v. Westborough*, No. 89-25, slip op. at 7 (Mass. Housing Appeals Committee Jun. 25, 1992) that "issues such as the financial arrangements, the profit projections, the developer's qualifications, and marketability are issues with are not intended to be reviewed in detail within the comprehensive permit process" and are not "matters of concern in the usual sense." *Henshaw*, 2006 WL 2514177, *9. It went on to note that there is authority in *Hanover v. Housing Appeals Committee*, 363 Mass. 339, 378, 294 N.E.2d 393, 420 (1973) for requiring at least disclosure of financial information, but noted that review by the court was to be "limited." *Id.*

The approach described in *CMA, Inc. v. Westborough, supra* and § 31.07(4) of our regulations are sound policy. They reflect the judgment state housing officials that certain of the complex issues that arise in the development process cannot be sorted out easily in an adversarial hearing process, but rather are best left to the managerial discretion of the subsidizing agency or project administrator—in this case, MassHousing (the Massachusetts Housing Finance Agency). A large affordable housing development such as that proposed here is not an enterprise that can be conducted by a single person acting alone, but rather, requires a sophisticated development team must be assembled. (The developer's manager alluded to this in when he testified that when construction actually begins, it will be supervised on a day-to-day basis by a project manager with experience in the construction of apartment buildings and residential housing. Tr. XI, 89-99, 129-130.) Review of the qualifications of the development team will be part of the final approval process. See 760 CMR 31.09(3), 31.01(2)(b)(6).[6]

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6. Both market-rate developers and affordable housing developers are subject to some review by the lenders with whom they work. But only affordable housing developers undergo the additional level of scrutiny provided by § 31.09(3), and this provides the town with additional protection. The town may also, of course, protect itself by requiring a bond or other security for the proper completion of the work. Cf., G.L. c. 41, § 81U. If the town were permitted to apply more stringent qualification standards to affordable housing developers than it does to market-rate developers, it would run afoul

The Board is correct in pointing out that in recent years there have been changes in the administrative review process for affordable housing developments. In 1999, this Committee indicated that some "limited, secondary review" of issues such as developer's qualifications was appropriate in certain cases involving the New England Fund (NEF) of the Federal Home Loan Bank of Boston [FHLBB]—that is in cases involving the so-called "old NEF" proposals.[7] *Stuborn Ltd. Partnership c. Barnstable*, No. 98-01, slip op. at 24-25 (Mass. Housing Appeals Committee Decision on Jurisdiction Mar. 5, 1999). Though the case before us does involve an "old NEF" proposal,[8] the need for such review is obviated in this case because we will require, before construction, the thorough final review by a project administrator that is required of "new NEF" developments. See p. 5, n.4, above; § VII-5(d), below; 760 CMR 31.01(2)(g), 31.09(3). We expect that because of the passage of time since the original application was submitted and because of the questions raised by the Board, MassHousing will conduct a particularly thorough review of the developer's qualifications.

We should also note that even though our normal practice, as just described, is to leave the review of developer's qualifications to the subsidizing agency or project administrator, our regulation does permit us to inquire into the developer's "ability to finance, construct, or manage the project" if "good cause" is shown. 760 CMR 31.07(4). In this case, there are many allegations and counter-allegations concerning the developer. The Board notes that the individual who is the manager and principal of development entity has not developed residential housing before. Board's Brief, p. 31; Tr. IX, 59-60. It points to his "business partner," who appears to have pled guilty to misdemeanor environmental violations. Board's Brief, p. 5, ¶ 11; Tr. IX, 41--42. It alleges that on the site under consideration here, he "illegally commenced construction of [a] subdivision," conducted an illegal gravel mining operation, and refused to comply with a court order to restore the area. Board's Brief, p. 6-7, ¶ 14-15; Tr. IX, 87. It also alleges that he has "displayed a penchant

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of the statutory provision that all requirements be applied "as equally as possible to subsidized and unsubsidized housing." G.L. c. 40B, § 20.

7. In that case, we discussed review by the local board, though the principles are equally applicable to review by the Committee on appeal.

8. An "old NEF" proposal is one in which the subsidizing agency made a determination of project eligibility prior to July 22, 2002. 760 CMR 31.10. The project eligibility determination in this case was made on June 1, 2001. Exh. 2.

for litigating...." Board's Brief, p. 32; p. 7, ¶ 16. The developer, on the other hand, notes that the manager is the owner of a construction business, and has worked his way up through the construction trades for 35 years building foundations, primarily involving driving of piles. Tr. XI, 39, 97-98. It claims that gravel mining operations have ceased, and that restoration has not proceeded since the developer has not received authorization from local officials. Developer's Brief, p. 7, ¶ 34, p. 77; see Tr. IX, 97, 100-107; Tr. XI, 85-87, 107-108, 130-133; Exh. 97, 98. And it argues that it was the Amesbury Planning Board that acted improperly in revoking the subdivision approval, resulting in litigation that is pending in the Superior Court. Developer's Brief, p. 76-77; Tr. XI, 94, 110-115. All of these allegations appear to reflect a level of tension and mutual recrimination that is not uncommon in the development process. Therefore, we decline to exercise our discretion to take the unusual step of examining the developer's qualifications.

Finally, though we see little ambiguity in our regulation or precedents, it is important to note that in the context of traditional land use law, consideration of an applicant's past record of violation of local bylaws or of his character and reputation is improper. *Dowd v. Board of Appeals of Dover,* 5 Mass. App. Ct. 148, 155-157, 360 N.E.2d 640, 645-646 (1977); also see *Warner v. Lexington Historic Districts Com'n*, , 64 Mass. App. Ct. 78, 83, 831 N.E.2d 380, 385 (2005); *Fafard v. Conservation Com'n. of Reading,* 41 Mass. App. Ct. 565, 571, 672 N.E.2d 21 25 (1996). These precedents lend support to our decision not to delve into the developer's qualifications. See *Northern Middlesex Housing Assoc. v. Billerica*, No. 89-48, slip op. at 9 (Mass. Housing Appeals Committee Dec. 3, 1992), *aff'd* No. 93-0067-D (Suffolk Super. Ct. May 17, 1994). Further, developers of affordable housing should not be subjected to local scrutiny that is more intense than that under gone by developers of market-rate housing. G.L. c. 40B, § 20 ("...requirements... [are] consistent with local needs if ...such requirements ... are applied as equally as possible to both subsidized and unsubsidized housing").

VI. LOCAL CONCERNS

When the Board has denied a comprehensive permit, the ultimate question before the Committee is whether the decision of the Board is consistent with local needs. Under the Committee's regulations, the developer may establish a *prima facie* case by showing that its proposal complies with state or federal requirements or other generally recognized design standards. 760 CMR 31.06(2). The burden then shifts to the Board to prove first, that there is a valid health, safety, environmental, or other local concern that supports the denial, and second, that such concern outweighs the regional need for housing.[9] 760 CMR 31.06(6); also see *Hanover v. Housing Appeals Committee*, 363 Mass. 339, 365, 294 N.E.2d 393, 413 (1973); *Hamilton Housing Authority v. Hamilton*, No. 86-21, slip op. at 11 (Mass. Housing Appeals Committee Dec. 15, 1988).

In the Pre-Hearing Order, § II-B(7), the Board raises local concerns described as "environmental, water supply, internal and external traffic, and sewage treatment concerns...." The issues that were briefed are traffic and sewage treatment. An allegation of "environmental" concerns is too general to be addressed in a meaningful manner, and questions concerning water supply were not briefed, and are therefore waived.[10] *An-Co, Inc. v. Haverhill, supra.* As will be seen, in its brief the Board also raised concerns about the town's Master Plan.

A. Master Plan

The Board argues—belatedly—that the proposed housing here is inconsistent with the town's Master Plan because the site "is among a handful of undeveloped properties... formally identified as being worthy of adding to a portfolio of open space" in the town, because the town "has attempted to purchase the property itself but all of its offers have been rejected by the [developer]," and because the town has been pursuing "development of housing opportunities in its densely populated village center." Board's Brief, p. 31. It notes correctly that under appropriate circumstances, such planning issues may be of significant

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9. The shift in burden of proof is based upon a presumption created by the town's failure to satisfy any of the statutory minima described in 760 CMR 31.04 (1) and (2). See 760 CMR 31.07(1)(e).

10. Public water will be supplied through a 10-inich main. Tr. VII, 109. The system will improve water supply to the houses in the Birches since the current dead-end system will be replaced by a looped system. Tr. VII, 110-112.

local concern. See 760 CMR 31.07(3)(d); *Stuborn Ltd. Partnership v. Barnstable*, No. 98-01 (Mass. Housing Appeals Committee Sp. 18, 2002). In this case, however, the master plan, however, is not properly before us for two reasons.[11]

First, the Pre-Hearing Order does not include this among the issues in controversy. The Pre-Hearing Order was agreed to by the parties and formalized as an order by the presiding officer, and states clearly that "the issues below are the sole issues in dispute...."[12] Pre-Hearing Order, § II.

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11. If we were to address this issue on the merits, there are two rationales under which the Board should not prevail.

First, the developer argues that the Board has not introduced sufficient proof to meet any of the three prongs of the test concerning validity of master plans that we established in *Stuborn, supra* and *KSM Tr. v. Pembroke*, No. 91-02, slip op. at 5-8 (Mass. Housing Appeals Committee Nov. 18, 1991). See Developer's Brief, pp. 73-75.

The second involves the factual question of whether the planning concerns expressed in the Amesbury Master Plan outweigh the need for affordable housing addressed by the housing proposed in this case. Testimony was received only from the Board's expert, but even that makes it clear that this is a difficult question. On the one hand, there can be no doubt that the location of the proposed development is inconsistent with general "smart growth" principles in the Master Plan that encourage new development in the existing town center and not in outlying areas. See Tr. XII, 104-107. Amesbury has an unusually intact, clearly delineated "urban village" at its center, and the proposed development is at the farthest, outlying corner of town. Tr. XII 113-114; Exh. 114-A. But on the other hand, it appears that that Amesbury already has a great deal of "sprawl." Amesbury was one of the last communities in northeastern Massachusetts to enact a zoning bylaw when it did so in 1971, and as a result there was already a considerable amount of "high density sprawl" (apartment building development which had "leap-frogged" across open farm land). Tr. XII, 115-120. Then, between 1971 and 1985, residential housing was permitted in outlying areas on lots as small as 10,000 square feet, encouraging "low density sprawl." Tr. XII, 119-120. Those areas, including the site under consideration here, were "down-zoned" to two-acre zoning in 1985, which presumably permitted the continuation of the even lower density sprawl that is common in suburban areas. Tr. XII, 120-121. Thus, it is not at all clear under the factual circumstances presented here whether the proposed development is sufficiently different from other development that has been permitted in town so as to "undermine" the interests expressed in the Master Plan to the degree necessary for those interested to outweigh the regional need for affordable housing. See *Stuborn, supra*, slip op. at 14.

Another factual issue that remains unexplored is whether the proposed units are sufficiently clustered so that their overall environmental impacts are equal to or less than that of single-family houses that could be developed as of right on two-acre lots on the site. See generally, Tr. XII, 144-146, 150.

12. The Board appears to argue that § 31.07(3)(d) of our regulations requires us to consider its argument concerning the Master Plan even if it is not included in the Pre-Hearing Order. That regulation, however, like the other subsections of § 31.07(3), only prescribes the sorts of issues are properly before the Committee—on what issues "[t]he Committee may receive evidence." It does not supersede the Pre-Hearing Order, which provides for the orderly presentation of evidence and protects both parties from "trial by ambush," which is particularly important in a forum such as this, where no discovery is available.

Second, the Board's arguments are based upon its 2004 Master Plan.[13] The plan itself was admitted into evidence and a considerable amount of testimony was heard from a town planner who helped to prepare it. See Exh. 114; Tr. XII, 109. But this Master Plan was prepared well after the developer applied for a comprehensive permit. The application was filed with the Board on June 6, 2001. Pre-Hearing Order, § I-1; see Exh. 1. (The Board filed its decision denying the permit with the Amesbury Town Clerk on January 21, 2003, Pre-Hearing Order, §6, see Exh. 14.) The Master Plan Steering Committee was not even established until the fall of 2002, and the plan itself was submitted to the Amesbury Municipal Council for approval in June 2004. Exh. 114, p. ES-2. This Committee has long held that "any regulation not in effect at the time of the filing of the application [for a comprehensive permit] will not be applied to [the] project." *Weston Development Group v. Hopkinton*, No. 00-05, slip op. at 8-11 (Mass. Housing Appeals Committee May 26, 2004); also see *Northern Middlesex Housing Associates v. Billerica*, No. 89-48, slip op. at 8-11 (Mass. Housing Appeals Committee Dec. 3, 1992); also see 760 CMR 31.07(1)(j). This rule is equally applicable to a Master Plan when it is put forth by the Board as justification for denial of a permit as it is to other local regulations.

B. Wastewater

As noted above, the housing is proposed in an area between Lake Attitash and Meadowbrook Pond. These water bodies have been classified as outstanding resources, and thus, as a general matter, there are concerns that wastewater be disposed of appropriately so that these sensitive resources are not damaged.[14] Exh. 42, p.3; Tr. III, 34, 75.

The area is also within the Water Resource Protection District of the Amesbury

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13. Amesbury apparently had a master plan prior to 1985, and that plan was "updated" in 1985. Tr. XII, 121, 131, 141, 155. The update made no specific reference to the site under consideration here, but did "down-zone" it from one-acre-residential-lot zoning established in 1971 to two-acre-residential-lot zoning. *Id.* Neither the original master plan nor the update were offered into evidence.

In addition, since 1996, the housing site and other developable properties have been identified in the town's Open Space Plan as areas to be considered for acquisition for protection of water resources. Tr. XII, 130-131, 156. (The plan was not offered into evidence.) Open space planning, while admirable, is only cognizable under our precedents in *KSM Tr. v. Pembroke* and *Stuborn v. Barnstable* in the context of master planning that includes provisions for affordable housing. Also see 760 CMR 31.07(3)(d)(1).

14. The exact nature of the classification and what, if any, specific protections may result were not described with specificity. See, e.g., Tr. III, 80; Board's Brief, p. 3.

Zoning Bylaw, which prohibits certain activities within the watershed of the town water supply. Exh. I, 80. More specifically, the entire site is within an area designated as Zone B, and the areas near the shores of the water bodies is within the more restrictive Zone A.[15] Exh. 27-B; Tr. IV, 25-28. Stormwater detention ponds and the access road and sidewalk will be located in parts of the Zone A area. Exh. 15-C; Tr. IV, 28-29. This work will comply with the Zone A requirements. Tr. IV, 31-32; also see Exh. 27, pp. 149-150, §§ XIV-G, XIV-H. (In addition, the overall design of the stormwater system complies with the Massachusetts Department of Environmental Protection (DEP) Stormwater Guidelines. Tr. IV, 29, 41.) All of the housing units themselves will be in Zone B. Exh. 15-C; Tr. IV, 29, 68-69; also see Tr. II, 55. Generally, residential uses (as well as commercial and industrial uses) are permitted in Zone B, though a number of specific uses, such as "storage of sludge or septage," "junkyards," "stockpiling of snow… containing deicing chemicals," open "storage of deicing chemicals" are prohibited. Exh. 27, p. 148-150, §§ XIV-E(8), XIV-F, XIV-G; Tr. IV, 34-36. The housing will comply with the Zone B requirements. Tr. IV, 43; also see Exh. 27, pp. 149-150, §§ XIV-G, XIV-G. Overall, the only exception from the Water Resource Protection District requirements that has been sought by the developer is the procedural requirement that it obtain a special permit from the planning board; otherwise, it will comply fully. Tr. IV, 40-43.

Within this context, the Board has focused its concerns on the developer's proposal to use a new technology for wastewater disposal—a single treatment plant using "solar aquatic" technology.[16] Board's Brief, p. 16. There is some question about how innovative this design is, but even the Board's engineer agrees that such a system can be effective. Tr. III, 106-107. The Board introduced a great deal of evidence concerning possible problems with such a system and difficulties that had been experienced with similar systems in other towns, and argues that the system designed for this development may not function as intended. See Board's Brief, pp. 16-19, 29. But it is quite clear, and the developer readily concedes, that a

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15. In addition, a small portion of the southeast corner of the site where open space is proposed is in an Interim Wellhead Protection Area. Tr. IV, 28. This complies with the local requirement. Tr. IV, 43.

16. Negotiations concerning the developer's offer to pay for off-site municipal sewer system improvements that would permit the development to tie into the town system proved fruitless. See Tr. II, 94-104; II, 29, 32, 54; Exh. 41, p.6; 45, p.7.

package treatment plant such as this requires a state groundwater discharge permit after review by DEP. Tr. VII, 41-43; also see 310 CMR 15.004, 15.006, 314 CMR 5.00, 6.00; see generally *GPT-Acton , LLC v. DEP*, 64 Mass. App. Ct. 103 (2005). The Board has pointed to no local regulation of such a facility nor to exceptional local concerns that will not be addressed as part of the state approval process, and where the developer will be required to comply with state standards, it is unnecessary and in fact it would be inappropriate for us to review the system design with the intent of making a judgment that would replace that of DEP. See ; *9 North Walker Street Development, Inc. v. Rehoboth*, No. 99-03, slip op. at 4 (Mass. Housing Appeals Committee Nov. 6, 2006); *O.I.B. Corp. v. Braintree*, No. 03-15, slip op. at 6-7 (Mass. Housing Appeals Committee Mar. 27, 2006);*Canton Property Holding, LLC v. Canton*, No. 03-17, slip op. at 23 (Mass. Housing Appeals Committee Sep. 20, 2005). We conclude that no local concern has bee raised under the Comprehensive Permit Law that outweighs the regional need for housing.

C. Emergency Access

The most significant concerned raised by the Board is that of emergency access to the site.[17] Because the primary roadway is over a mile long and provides access to a large number of units, the developer concedes that there must be secondary access.[18] It proposes an emergency route that uses the main existing roadway in the Birches neighborhood

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17. The possibility that increased traffic volume from the proposed development and future developments might require installation of a traffic signal on Kimball Road is alluded to in the Factual Background and Summary of Evidence portion of the Board's brief, though no argument is made. Particularly since the Board acknowledges that "Kimball Road can physically accommodate this volume of traffic," the argument that it makes by implication—that the road could be hazardous because further "analysis of... 'future build condition' was necessary"—is mere speculation. Board's Brief, p. 15-16, ¶¶ 35-36; also see Tr. XII, 77-78; Exh. 4; Tr. VI, 10-40.

Concerns about sidewalk design and school bus access were also raised only in passing by the Board. See Board's Brief, p. 14, ¶ 32; Tr. XII, 51-56. They can undoubtedly be resolved in the final design, and in any case are minor points, and there is not evidence of a local concern sufficient to justify the denial of a comprehensive permit.

18. Amesbury subdivision regulations limit the length of cul-de-sacs to 750 feet. Exh. 29, p. 22, § 7.09(D)(3). This shows a local concern that homes not be isolated from the town's street network because of a single point of entry, and it is clearly a legitimate concern. Even though each such roadway must be considered on its own merits, we assume in this case that if no secondary access were provided the local concern would outweigh the regional need for housing. See *Lexington Woods, LLC v. Waltham*, No. 02-36, slip op. at 19 (Mass. Housing Appeals Committee Feb. 1, 2005)(upholding denial of comprehensive permit for a steep, winding, 1,000-foot roadway serving 36 townhouse condominium units).

(Birchmeadow Road), improves a short existing branch off of that roadway (Brookside Lane), and then comes into the back of the site from the southeast—at the opposite end of the development from the main roadway, which enters from the north.[19]

On its face, the proposed secondary access appears perfectly adequate. The developer has established a *prima facie* case with regard to access through its engineer's testimony that the roadway will be consist of the commonly used "gated and keyed system" and that it will be constructed of a "durable pavement" to a width of twelve feet, which is sufficient to accommodate a fire truck. Tr. II, 131, 134. It is also quite clear that not only will the roadway provide emergency access to the site, but it will also provide valuable emergency access to the Birches, a neighborhood that currently lacks secondary access. Tr. I, 66; II, 131-133, IV, 88, V, 22-23.[20]

But the Board presented testimony from both the Amesbury fire chief and its own expert traffic engineer asserting that access for fire trucks will not be adequate. See Tr. IX, 32-43; XII, 12-28, 60-63. As will be seen, the fire chief had credible, but quite general concerns about access. Specifically, his and the Board's concerns are that Birchmeadow Road is winding, "in poor condition," "exhibits a series of sharp turns as well as a grade of 12%," and "traverses a low-lying dam that frequently floods, thereby rendering passage impossible."[21] Board's Brief, p. 11. The Board's traffic engineer concluded that "there are still some deficiencies in the way it's currently designed," though this somewhat equivocal

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19. The Board's expert testified that the total distance from the main road network of the town to the property line of the proposed development is 2,800 feet. From inspection of the town assessors' map, it appears that the distance is only about 1,800 feet, half of it on Birchmeadow Road and half of it area to be paved, including an existing branch or spur called Brookside Lane. Exh. 16. The exact length of the roadway, however, has little relevance.

20. This testimony, read in its entirety, flatly contradicts the Board's allegation that "the Appellant's testimony... was widely inconsistent," and that "the Appellant's engineer... testified... that the sole purpose of the emergency access was to allow emergency vehicle access... for the benefit of ... the Birches." See Board's Brief, p. 10.

21. Meadow Brook floods occasionally at the dam separating it from Lake Attitash. Tr. II, 132-133; IX, 38; XII, 19, 140. This is of little relevance. Any roadway may occasionally be blocked. What is more important is that flooding is the exact sort of emergency that makes secondary access so desirable. There is no indication of any likelihood that the main access to the new housing site will be flooded at the same time that the dam overtops. Thus, when the Birches are isolated by flooding at the dam, not only will the new development be accessible via its main entrance, but the Birches for the first time will be accessible. Even if the new emergency access route is not perfect, if it is adequate, it provides a significant overall public safety advantage to the community at large.

conclusion was based largely on his conversations with the fire chief and other rather general observations of his own. Tr. XII, 63, 21, 18-21, 60-63. Rather than simply rely on the opinions of either the developer's or the Board's experts, we will examine the evidence ourselves.

A brief description of the existing roadways in the Birches is essential. There is only one entrance to the neighborhood—Birchmeadow Road. That road leaves Kimball Road, which is part of the main town network of roads, beginning with a curve to the left, and immediately crosses a dam that separates Meadow Brook from Lake Attitash. Exh. 16; Tr. XII, 20. In doing so, it goes down a 12% grade and makes a sharp turn to the right, and then continues for over a half mile until it dead ends. Exh. 16; Tr. XII, 20. About 900 feet from Kimball Road, a dirt-road cul-de-sac known as Brookside Road continues straight ahead as the main road curves to the left.[22] Exh. 16; Tr. IX, 35. It is this road that the developer proposes to improve and pave and connect to the development site as secondary access, ultimately looping back to Kimball Road. See Exh. 15-C. After Brookside Road intersects Birchmeadow Road, two other dead-end roads—Birch Lane and Star Lane—branch off of Birchmeadow Road. Exh. 16. Along all four of these roads are approximately three dozen cottages, or larger houses that have been built on sites of cottages. Exh. 16; Tr, XII, 151-152.

Though the fire chief's general concerns about such a neighborhood are understandable, a careful analysis of his testimony indicates that his experience *supports* the construction of the emergency access route.

The fire chief testified that one of the "couple of houses" that are on Brookside Road was destroyed by fire. Tr. IX, 35. But his testimony was not that the problem was Brookside Road or Birchmeadow Road themselves. Rather it appears that the problem was at the entrance to the property where the house burned. The fire trucks got to the property, and one of them got to the building, but "there's a sharp corner going into that property and we were just able to get the pump[er] in there, and the second pump[er] had the supply line, but the ladder truck couldn't make it in." Tr. IX, 35. Similarly, he described a garage fire "on the end of a street in a congested area." Once again, they "got the truck in, [but] couldn't get the ladder in, and … had problems trying to turn the truck around and hitch it to a hydrant." Tr.

22. Brookside Road is unlabeled on Exhibit 16, but shown between lots marked numbers 5 and 7.

IX, 36.

This testimony and the layout of the Birches (as described above and shown in Exhibit 16) make it clear that the neighborhood is poorly laid out with existing problems of access to individual lots and with congestion at the ends of dead-end streets. The fire chief's testimony does not give any indication that fire trucks will not be able to simply travel along Birchmeadow Road and the improved Brookside Road to reach the development site. In fact, since his trucks have been able to reach the location of previous fires, the testimony lends support to the developer's argument that the roads will be adequate.[23]

Finally, the Board alleges that the developer has not "establish[ed] that it that it possesses the rights to complete ... paving" of the roadway. Board's Brief, p. 10. In fact, the evidence in the record tends to show the opposite. The developer presented testimony from a lawyer who specializes in real estate, zoning, and title matters. Tr. V, 105. In her opinion,, [b]ased on well settled case law,... the applicant has the right to pave the right of way" of Brookside Road. Tr. V, 127; also see Exh. 51. We need not address this matter in more detail, however, since we have long held that even where not simply access but actual control of the site is at issue, the developer need only establish a colorable claim of title, and that adjudication of complex title disputes or similar matters are best left to the expertise of the courts[24] *Bay Watch Realty Tr. v. Marion*, No. 02-28, slip op. at 4 (Mass. Housing Appeals Committee Dec. 5, 2005); *Hamilton Housing Auth. v. Hamilton*, No. 86-21, slip op. at 9 (Mass. Housing Appeals Committee Dec. 15, 1988), *aff'd sub. nom. Miles v. Housing Appeals Committee*, No. 89-122 (Essex Super. Ct. Oct. 6, 1989); also see *Billerica Development Co. v. Billerica*, No. 87-23, slip op. at 18-19 (Mass. Housing Appeals Committee Jan. 23, 1992); *Cloverleaf' Apts., LLC v. Natick*, No. 01-21, slip op. at 7, n.3 (Mass. Housing Appeals Committee Dec. 23, 2002), *aff'd*, No. 03-0321 (Suffolk Super. Ct.

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23. Since the existing access is adequate, we need not address the question of whether the town has an obligation to improve municipal services that are currently inadequate. See *Hilltop Preserve Ltd. Partnership v. Walpole*, No. 00-11, slip op. at 13-14 (Mass. Housing Appeals Committee Apr. 10, 2002); *Dexter Street, LLC v. North Attleborough*, No. 00-01, slip op. at 16-17 (Mass. Housing Appeals Committee Jul. 12, 2000).

24. Among the points raised by the developer that are more properly left to the courts is the relevance of the fact that in 1970, the Amesbury Planning Board endorsed a subdivision plan for a house lot with frontage on Brookside Road as "approval not required." See Tr. V, 124-126; Exh. 85, 86.

Jan. 28, 2005); *Autumnwood, LLC v. Sandwich*, No. 05-06 (Mass Housing Appeals Committee Nov. 4, 2005 Ruling on Motion to Dismiss). Lest there be any doubt about the need for the developer to clarify its right to improve Brookside Road, we will require it by condition. See § VII-2(b), below.

Based upon our evaluation of the facts, we conclude that adequate secondary access can be built as proposed, and there is no local concern that outweighs the regional need for affordable housing.

D. Miscellaneous Traffic Issues.

The Board has also raised a number of miscellaneous traffic issues.[25]

First, concerns were raised about the configuration of the main entrance at Kimball Road. The Board contends that the developer indicated that "the project entrance would be revised" to include an entry an exit lane 24 feet wide with a six-foot-wide divisional barrier 50 feet long. See Board's Brief, p. 13, ¶ 31. In June 2002, the developer's engineer had in fact indicated that this "could be provided," but was not necessary, and it never became part of the proposal. Exh. 5, p. 2; Tr. VI, 68-72; see Exh. 115. It is clear from the testimony of this expert that the proposed design—without a wide barrier—meets generally recognized standards. Tr. VI, 68-72; see 760 CMR 31.06(2). One of the Board's expert witnesses testified at some length during direct examination about modifications he would consider. He did not testify, however, in unequivocal terms that the proposed design is unsafe. Tr. XII, 33-40. The second expert testified in more general terms. Tr. III, 60-65. This testimony is not sufficient to sustain a finding of a local concern that outweighs the regional need for housing and thus to justify the denial of a comprehensive permit. On cross-examination, however, the developer's counsel elicited testimony that certain specific "geometric corrections [are necessary] to make this intersection safe." Tr. XII, 80. That is, first, in the design shown in Exhibit 115, the front of the barrier should be moved in from Kimball Road slightly. Tr. XII, 79. Second, he was concerned about the lane transitions or "tapers," which he testified on direct examination were originally between 15 and 25 feet. Tr. XII, 36-37. In the earlier testimony he referred to previous plans, which did not show a large barrier. See

25. We will consider these issues even though they were raised only in the "Factual Background and Summary of Evidence" portion of the brief and not in the argument section.

Exh. 15, sheet 22; Tr. XII, 35-36. The tapers should be lengthened and that island enlarged to "greater than 100 square feet," that is, to a configuration more similar to Exhibit 115. Tr. XII, 80. We will require these modifications by condition. See § VII-2(c), below.

Second, the Board points to confusion during the hearing since the developer suggested that the proposed roadway be modified to a boulevard style to address some of the Board's concerns about emergency access. See Exh. 87. This was initially proposed as an alternative. Tr. VI, 44. The Board's counsel appeared to view it as an improvement in design. Tr. VI, 49. In response to the hearing officer's suggest that a single proposal be presented instead of alternatives, the developer agreed to proceed with the boulevard proposal. The Board has not addressed this in the argument portion of its brief, but in the Factual Background section now appears to oppose the idea. Board's Brief, p. 14, ¶ 33. On balance, the boulevard design appears to be excessive, to offer little safety improvement, and to be of questionable environmental merit. Board's Brief, p. 14, ¶ 33; also see Tr. VI, 51-52. We need not reach a conclusion on this issue, however. The developer is clearly prepared to build the roadway either as a boulevard or a standard roadway. We leave the decision as to which is preferable to the Board.

In addition, the Board points to the fact that many of the housing units are to be constructed in four-unit clusters, each on its own, very short (typically 100-200 foot) cul-de-sac. Board's Brief, p. 14-15, ¶ 34. Concern was expressed as to whether trucks—particularly the town's largest truck, a ladder truck—could pull far enough into these areas. See Tr. IX, 46. The roadway design, however, was based upon templates larger than the Amesbury fire trucks, and an 18-foot width was provided to allow vehicles to pass each other. Tr. VI, 64-65. And the testimony of the Board's traffic engineer was very general—that the fire chief had expressed concerns to him about "maneuvering in tight spaces;" that pumper trucks would not have difficulty, but that he could not "say with certainty whether that ladder truck… could be maneuvered in there;" and that the developer "should meet with the fire chief and figure out the way to do it." Tr. XII, 17, 48, 67. This is not evidence of a local concern that outweighs the regional need for housing. Concern was also expressed about the ability of the ladder truck to maneuver once it got into these areas. See Tr. IX, 44-46; Tr. XII 46-48. The most significant problem would be backing out after a fire. Tr. XII, 50. But it is

straight ahead access for fire fighting, not convenience in backing out that is critical. *Spencer Livingstone Assoc. Ltd. Partnership v. Medfield*, No 90-01, slip op. at 12 (Mass. Housing Appeals Committee, Jun. 12, 1991).

Next, concerns about sidewalk design and school bus access were raised in passing. See Board's Brief, p. 14, ¶ 32; Tr. XII, 51-56. The Comprehensive Permit Law does not require final construction drawings of every detail in a complex proposal such as this; only preliminary plans are required. 760 CMR 31.02(2); *Transformations, Inc. v. Townsend*, No. 02-14, slip op. at 10-11 (Mass. Housing Appeals Committee Jan. 26, 2004); *Delphic Assoc., LLC v. Middleborough*, No. 00-13, slip op. at 15-16 (Mass. Housing Appeals Committee Jul. 17, 2002), *aff'd on other grounds, Town of Middleborough v. Housing Appeals Committee*, 66 Mass. App. Ct. 39 (2006), *petition for further review granted*, No. SJC-09808 (Aug. 16, 2006). These questions are minor points that will undoubtedly be resolved in the final design, and there is no evidence of a local concern sufficient to justify the denial of a comprehensive permit. If these issues remain unresolved when construction drawings are submitted to the building inspector or similar local official, that official can refer them to the Board for resolution, and if necessary the parties can apply to this Committee for further review.

Finally, the Board notes that the volume of traffic on Kimball Road will increase significantly due to the proposed development and possible future developments, and that installation of a traffic signal on Kimball Road might be desirable. Board's Brief, p. 15-16, ¶¶ 35-36. Particularly since the Board acknowledges that "Kimball Road can physically accommodate this volume of traffic," the argument that it raises by implication—that the road could be hazardous because further "analysis of… 'future build condition' was necessary"—is mere speculation, and we will not consider it. Also see Tr. VI, 10-40; Tr. XII, 77-78; Exh. 4.

VII. CONCLUSION

Based upon review of the entire record and upon the findings of fact and discussion above, the Housing Appeals Committee concludes that the decision of the Amesbury Board of Appeals is not consistent with local needs. The decision of the Board is vacated and the Board is directed to issue a comprehensive permit as provided in the text of this decision and the conditions below.

1. The comprehensive permit shall conform to the application submitted to the Board except as provided in this decision.

2. The comprehensive permit shall be subject to the following conditions:

(a) The development, consisting of 268 total units, shall be constructed as shown on drawings by Cammett Engineering. (Site Development Plans off Kimball Road) rev'd 10/21/02 (Exhibit 15).

(b) No construction on the site shall commence until the developer has paved Brookside Road and constructed and paved the emergency access road described in the above drawings.

(c) Geometric corrections to the entrance at Kimball Road shall be made based upon the design shown in Exhibit 115. The front of the barrier shall be moved in from Kimball Road slightly, and the lane transitions or "tapers" shall be lengthened by providing an island greater than 100 square feet, that is, in a configuration similar to Exhibit 115.

3. Should the Board fail to carry out this order within thirty days, then, pursuant to G.L. c. 40B, s. 23 and 760 CMR 31.09(1), this decision shall for all purposes be deemed the action of the Board.

4. The Board shall provide to the developer an accounting of all sums paid by the developer to the Board as well as an accounting of the disposition of those funds.

5. Because the Housing Appeals Committee has resolved only those issues placed before it by the parties, the comprehensive permit shall be subject to the following further conditions:

(a) Construction in all particulars shall be in accordance with all local zoning and other by-laws in effect at the time the developer filed its application with the Board, except those waived by this decision or in prior proceedings in this case.

(b) The subsidizing agency or project administrator may impose additional requirements for site and building design so long as they do not result in less protection of local concerns than provided in the original design or by conditions imposed by the Board or this decision.

(c) If anything in this decision should seem to permit the construction or operation of housing in accordance with standards less safe than the applicable building and site plan requirements of the subsidizing agency, the standards of such agency shall control.

(d) No construction shall commence until, presumably based upon detailed construction plans and specifications, final construction financing has been approved by the subsidizing agency and all aspects of the development have received final written approval from a project administrator as provided in 760 CMR 31.01(2)(g) and 31.09(3). See above; pp. 5, n.4; 8.

(e) The Board shall take whatever steps are necessary to insure that a building permit is issued to the applicant, without undue delay, upon presentation of construction plans, which conform to the comprehensive permit and the Massachusetts Uniform Building Code.

This decision may be reviewed in accordance with the provisions of G.L. c. 40B, § 22 and G.L. c. 30A by instituting an action in the Superior Court within 30 days of receipt of the decision.

Housing Appeals Committee

Date: December 12, 2006

Werner Lohe, Chairman

Joseph P. Henefield

Marion V. McEttrick

Christine Snow Samuelson

James G. Stockard, Jr.

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